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11-CV-00522-CMP

MAR 25 2011

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE

**Complaint to Enjoin Trustee's Sale, Washington, for Violations of RCW 61.24.040;
Consumer Protection Act; Truth in Lending Act; Fraud; and Fiduciary Duty**

Alexander Properties-I, LLC: 4226 W. ALBANY AVENUE# A-D, KENNEWICK,

WASHINGTON 99336

Plaintiff Pro Se

**UNITED STATES DISTRICT COURT
WASHINGTON FOR KING COUNTY**

**ALEXANDER PROPERTIES-I, LLC ,
Plaintiff,**

vs.

**WASHINGTON MUTUAL BANK,, JP
MORGAN CHASE BANK N.A.,&
NORTHWEST TRUSTEE SERVICES, a
Washington Corporation, doing business
in the State of Washington
DEFENDANT.**

CASE NO: C11-0522-TSZ

Complaint:

**Injunctive Relief
Accounting
Declaratory Relief**

AS AND FOR A FIRST CAUSE OF ACTION

(Injunctive Relief)

At all relevant times, Plaintiff has been, and continues to be, a resident of the County of King,
State of Washington, and is the title owner of the real property situated at 4226 W. ALBANY
AVENUE# A-D, KENNEWICK, WASHINGTON 99336

SEA 40505 sum. ISS.

1 Upon information and belief, Defendant, JP MORGAN CHASE BANK N.A, is a federally
2 chartered savings bank, and is engaged in the banking business in the State of Washington.

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4 Upon information and belief, Defendant, NORTHWEST TRUSTEE SERVICES, is a
5 Washington corporation, and is a trustee engaged in the business of conducting non-judicial
6 foreclosures of real property in Washington.
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8 Plaintiff is unaware of the true names, or capacities of the Defendants sued herein and identified
9 in the caption as John and/or Jane Doe's in the following statements are inclusive, and therefore
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sues these Defendants as "Doe's". Upon information and belief, each of the foregoing Doe
Defendants is responsible for the conduct alleged herein, and is responsible for the damages
suffered by Plaintiff described in this complaint. The Plaintiff will advise the Court of the true
names and capacities of these Doe Defendants as soon as their identities are ascertained.

Upon information and belief, certain of the "Doe" defendants are the agents, servants, and / or
employees of the Lender and Trustee, and they engaged in conduct that is complained of hereon;
at all relevant times, the "Doe" defendants acted within the scope of their agency and /
employment,

6. On or about September 22, 2005, Plaintiff borrowed the sum of \$176,250.00 from Defendant,
WASHINGTON MUTUAL BANK, to purchase the Property. As evidence of the loan
transaction, Plaintiff signed and delivered **WASHINGTON MUTUAL BANK**, a written
promissory note. A copy of the aforesaid promissory note is annexed to this Complaint as
Exhibit "A" and incorporated herein by reference.

7. To secure payment of the promissory note, Plaintiff signed and delivered to Defendant, **JP**

1 **MORGAN CHASE BANK N.A.**, a Deed Of Trust dated September 22, 2005 in which Plaintiff
2 (as Trustor) conveyed to Defendant NORTHWEST TRUSTEE SERVICES, an interest in the
3 property as security for payment of the promissory note to Defendant WASHINGTON
4 MUTUAL BANK,(beneficiary).
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6 That Defendant JP MORGAN CHASE BANK N.A, willfully and materially misrepresented the
7 terms and conditions of the loans documents that were fraudulent, grossly unfair, and which
8 provided for excessive and inappropriate fees and interest. Defendant JP MORGAN CHASE
9 BANK N.A. willfully exploited and took advantage of Plaintiff's unfamiliarity with the loan
10 documents. By virtue of the foregoing, Plaintiff contends that the loan documents are invalid,
11 and, as such, no amounts are owed to the Defendant JP MORGAN CHASE BANK N.A.,
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15 On or about September 22, 2005 the deed of trust was recorded in the Official Records of the
16 County of, State of Washington. A copy of the deed of trust is annexed hereto as Exhibit "A"
17 and is incorporated herein by reference.
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20 Defendant, NORTHWEST TRUSTEE SERVICES, did not record a Notice of Default and
21 Election to sell in the Official Records of King County, Washington, alleging a default of the
22 promissory note and deed of trust.
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26 On or about December 28, 2010, Defendant NORTHWEST TRUSTEE SERVICES, did not
27 record a Notice of Trustee's Sale in the Official Records of King County, Washington,
28 announcing that NORTHWEST TRUSTEE SERVICES, will conduct a trustee's sale of the
29 Property on April 1, 2011 at the hour of 10:00 a.m. in front of the Benton County Courthouse,
30 Kennewick, Washington. A copy of the Notice of Trustee's Sale is annexed hereto as Exhibit "
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1 B “ and incorporated herein by reference.

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3 Defendant NORTHWEST TRUSTEE SERVICES, failed to comply with the publishing and
4 posting requirements applicable to non-judicial foreclosures, including but not limited to the
5 notice requirements set forth in RCW 61.24.040. As a result, an actual controversy exists
6 between Plaintiff and Defendant with regard to their retrospective rights and duties with respect
7 to the pending non-judicial foreclosure sale of Plaintiff’s property. Plaintiff contends that the
8 trustee failed to comply with multiple laws pertaining the scheduling and conduct of foreclosure
9 sales.

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14 NORTHWEST TRUSTEE SERVICES, and others are named in a letter sent by the Washington
15 State Attorney General provides a list of activities in the view of fraud and calling on them to
16 suspend any questionable foreclosures in the state. There are specific items listed that match the
17 transitions performed on the Plaintiffs loan.

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21 The arrears amount that the Defendant JP MORGAN CHASE BANK N.A, contends in the
22 Notice of Default and Notice of Trustee’s Sale to be in default is incorrect. Accordingly, the
23 Plaintiff is not in default under the terms of the promissory note and the deed of trust. However,
24 Defendant JP MORGAN CHASE BANK N.A, refuses to accept partial payment until the
25 amount in dispute is resolved. As a consequence of the foregoing there exists an actual
26 controversy between Plaintiff and Defendant JP MORGAN CHASE BANK N.A, regarding their
27 retrospective rights, duties and obligations relating to the pending non-judicial foreclosure sale in
28 that Defendant JP MORGAN CHASE BANK N.A, contends that \$19,578.25 is owed, whereas
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1 Plaintiff contends that the sum of \$8,000.00 is owed.

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3 Plaintiff requests a judicial determination and declaration of the parties' respective rights and
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5 duties, to wit:

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7 (a) That Plaintiff did not breach the terms of the promissory note and deed of trust;

8 (b) That the trustee failed to comply with state non-judicial foreclosure sale procedures;

9 (c) That Defendants must be enjoined from taking any actions to enforce the terms of the loan

10 documents by virtue of Defendant WASHINGTON MUTUAL BANK, JP MORGAN CHASE

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12 BANK N.A., & NORTHWEST TRUSTEE SERVICES
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CERTIFICATE OF SERVICE

I certify that I have this day served opposing party with a copy of this Complaint in United States District Court: Violations of National Banking Laws, TILA and Tort Claims by mailing a copy first class registered or certified mail postage prepaid to him/her at:

WASHINGTON MUTUAL BANK,
P.O. BOX 78148
Phoenix, Arizona 85062

JP MORGAN CHASE BANK N.A,
P.O. BOX 78148
Phoenix, Arizona 85062
U.S. Attorney General
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

NORTHWEST TRUSTEE SERVICES
3535 Factoria Blvd SE # 200
Bellevue, WA 98006-1263

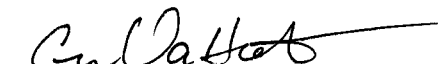
Anti-Terrorist and Monetary Crimes Division
FBI Headquarters In Washington, D.C.
Federal Bureau Of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

WASHINGTON MUTUAL BANK,
P.O. BOX 78148
Phoenix, Arizona 85062

GRACE VAN HOUTEN
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
09-02-13

(Seal)


ALEXANDER PROPERTIES-I, LLC


Grace Van Houten, Notary

My commission expires: 09-02-13

AFFIDAVIT OF NOTARY PRESENTMENT
CERTIFICATION OF SERVICE

State of Washington)

) ss.

County of Benton)

On this 25th day of March 2011, for the purpose of verification, I, the undersigned
Notary Public, being commissioned in the County and State noted above, do certify that
«Natural» delivered to me the documents listed below. I, the undersigned notary, personally
verified that the documents listed below were placed in an envelope and sealed by me with a
requested return receipt and depositing same at an official depository under the exclusive face
and custody of the U.S. Postal Service.